

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NARDINO COLOTTI,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:24-127
	)	Judge Nora Barry Fischer
COLETTE S. PETERS, DIRECTOR, BOP,	)	Magistrate Judge Keith Pesto
MICHAEL UNDERWOOD, WARDEN,	)	
F.C.I. LORETTA,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

AND NOW, this 16th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on June 24, 2024, (Docket No. 7), recommending that the § 2241 habeas petition filed by Petitioner Nardino Colotti against BOP Director Colette S. Peters and Warden Michael Underwood of FCI Loretto be denied preservice as the Petitioner is statutorily barred from earned time credits due to his conviction under 18 U.S.C. § 924(c) and directing that any objections were due within 14 days, Petitioner's Objections which were timely filed on July 3, 2024, (Docket No. 8), and this matter having been recently reassigned to the undersigned for prompt disposition of the matter, (Docket No. 10), and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner's Objections (Docket No. 8) are OVERRULED, as he is statutorily barred from earned time credits due to his conviction under § 924(c), *see* 18 U.S.C. § 3632(d)(4)(D)(xxii) and that conviction is properly aggregated by the BOP as a single sentence with his RICO conspiracy conviction for purposes of the earned time

credits computation under the First Step Act, *see e.g.*, *Giovinco v. Pullen*, 118 F.4th 527, 531 (2d Cir. 2024) (“the aggregation provision applies to the BOP’s administration of the FSA time credit program.”); *Martinez v. Rosalez*, No. 23-50406, 2024 WL 140438, at \*3 (5th Cir. Jan. 12, 2024) (“We agree with the district court that aggregation in the administrative context … was proper for purposes of FSA time credits.”); *Teed v. Warden Allenwood FCI Low*, No. 23-1181, 2023 WL 4556726, at \*2 (3d Cir. July 17, 2023) (“Calculation of an inmate’s term of imprisonment is widely recognized as an ‘administrative purpose’ well within the BOP’s responsibilities as charged by Congress. Accordingly, here, we view BOP’s aggregation of [the petitioner’s] sentence and FSA ineligibility designation to be proper.”) (citation omitted),

IT IS FURTHER ORDERED that the Petition (Docket No. 4) is DENIED;

IT IS FURTHER ORDERED that Petitioner’s Motion for Status Update (Docket No. 9) is DENIED, as moot; and,

FINALLY, IT IS ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer  
 Nora Barry Fischer  
 Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith A. Pesto

cc: NARDINO COLOTTI  
 BOP # 19098-054  
 F.C.I. Loretto  
 P.O. Box 1000  
 Cresson, PA 16630 (via first class mail)